

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Allyson M. Smith (AS-4750)
Peter O. Hughes (admitted *pro hac vice*)
OGLETREE, DEAKINS, NASH
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Attorneys for Defendant

SUE EARL,

Plaintiff,

v.

NOVARTIS CONSUMER HEALTH,
INC.

Defendant.

:
:
: Hon. Richard J. Holwell, U.S.D.J.
: Civil No.: 07 CIV 9595 (RJH)
:

:
: **AFFIDAVIT OF**
: **BON LOPEZ**
:

: **Document Electronically Filed**
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Bon Lopez, being duly sworn, hereby deposes and says as follows:

1. I am employed by Novartis Consumer Health, Inc. as Director, Human Resources.
2. I make this statement based on my personal knowledge and review of the records of Novartis Consumer Health, Inc.
3. I have reviewed the Complaint filed in the above-referenced matter.
4. Upon review of our personnel records, the plaintiff Sue Earl, has never been an employee of Novartis Consumer Health, Inc.
5. In addition, upon review of our personnel records, Novartis Consumer Health, Inc. has never employed the following individuals referenced in Plaintiff's Complaint:

a. Ken Notaro

- b. John Hawkins
- c. Dan Cullman
- d. Rob Harrington

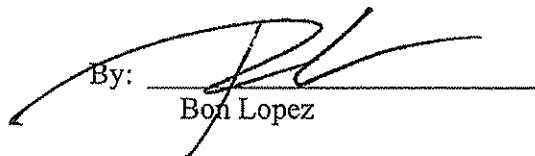
7. Novartis Consumer Health, Inc. does not formulate or implement personnel or employment decisions with respect to Novartis Nutrition Corporation's employees, including hiring, firing, training, promotion, discipline, discharge, and setting terms and conditions of employment.

8. Plaintiff was paid by Novartis Nutrition Corporation, not Novartis Consumer Health, Inc.

9. Novartis Consumer Health, Inc. had no influence over, and played no role in formulating or implementing, any of the personnel or employment decisions at issue in this litigation with respect to Plaintiff, and no one at Novartis Consumer Health, Inc. supervised Plaintiff in any way.

I hereby certify under penalty of perjury that the forgoing is true and correct.

Executed on this 16th day of June, 2008.

By: 
Bon Lopez